

REGULAR CITY COUNCIL MEETING

DECEMBER 23, 1985

PRESENT

Grant S. Nielson
Craig Greathouse
Don Dafoe
Ruth Hansen
Neil Dutson
Gayle Bunker

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan
Dorothy Jeffery
Warren Peterson
Richard Turner
Greg Nielson
Neil Forster
Jerry Reagan
Harvy Ross
Rex Johansen
Dave Church
Martin Ludwig
Bryce Ashby
Larry Taylor
Jim Edwards

City Manager
City Recorder
City Attorney
Richard K. Turner, CPA
Richard K. Turner, CPA
Public Works Director
Building Official

City Resident
City Resident
City Resident
Delta City Fire Chief
City Resident
Building Inspector

Mayor Grant Nielson called the meeting to order at 7:00 p.m. Dorothy Jeffery, Delta City Recorder, acted as secretary. Mayor Nielson stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

There were no minutes approved at this meeting.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Don Dafoe MOVED that the accounts payable,

including Attorney Peterson's bill of \$4,899.96, be approved for payment in the amount of \$17,701.31. The motion was SECONDED by Council Member Craig Greathouse. Mayor Nielson asked if there were any further questions or comments regarding the accounts payable. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR NEIL FORSTER: DECISION CONCERNING POSSIBLE LEASE/
PURCHASE OF UDOT'S DELTA SHED SITE

Mayor Nielson asked Public Works Director Neil Forster to discuss with the Council the possible lease/purchase of Utah Department of Transportation (UDOT) maintenance shed site.

Mr. Forster reviewed with the Council the following letter addressed to Jim Allan:

Mr. Jim C. Allan
City Manager
Delta City
P.O. Box 397
Delta, Utah 84624

Subject: Delta Shed Site - Millard County

Dear Mr. Allan:

Reference your letter of November 1, 1985, concerning possible lease by Delta City of UDOT's Delta Shed Site.

This site cannot be leased, rather it must be sold, simply to provide some of the funds for the replacement facility. We have had several inquiries concerning possible sale of this tract; however, the City would be given preference as a municipality if there is interest in a purchase. We have no appraisal of the parcel at this point.

Please advise me if the City is interested in a possible purchase.

Yours very truly,

Max M. Williams, Supervisor
Property Management
4501 South 2700 West
Salt Lake City, Utah 84119-5998
Telephone 965-4256

Mr. Forster said that during a recent telephone conversation with Max M. Williams, Mr. Williams said that UDOT will sell the Delta Shed Site for approximately \$55,000.00 to \$65,000.00. Mr. Forster proposed to the Council

the option of purchasing the Helen Barney property located next to the Delta City Shop. Following further discussion, Council Member Gayle Bunker MOVED to abandon the purchase of the UDOT's Delta Shed Site at the present time. Council Member Neil Dutson SECONDED the motion. Mayor Nielson asked if there were any comments or questions regarding the motion.

Council Member Don Daofe asked if Delta City would now proceed to install a fuel dump at the present City Shop site. Mr. Forster said that the budget has tentatively been approved for installation of the fuel dump, but the exact location of the fuel dump has not yet been determined. Mayor Nielson asked if there were any further comments or questions regarding the shed site or the motion. There being none, he called for a vote on the motion. The motion passed unanimously.

Following a brief discussion, Council Member Don Dafoe further MOVED that due to the fact that the State Road Shed Site purchase has been abandoned, the Public Works Department be instructed to pursue the acquisition of the Barney property located by the present City Public Works Shop. Council Member Craig Greathouse SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

RICHARD K. TURNER, CPA: AUDIT REPORT FOR YEAR ENDED JUNE 30, 1985

Mayor Nielson asked Richard K. Turner to review with the Council the Audit Report for year ended June 30, 1985.

Greg Nielson of Richard K. Turner, CPA, reviewed with the Council in detail the City of Delta - Report On Audit For the Year Ended June 30, 1985, as on file.

Following review and discussion of the audit report, Council Member Don Dafoe MOVED that the Council table the audit report for review and approval at the next City Council meeting. Council Member Craig Greathouse SECONDED the motion. Mayor Nielson asked if there were any further questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

JERRY REAGAN: BUILDING INSPECTION DEPARTMENT UPDATE & CONSIDERATION/ADOPTION OF 1985 UNIFORM BUILDING CODE

Mayor Nielson asked Building Official Jerry Reagan to address the Council regarding the Building Inspection Department report and adoption of the Uniform Building Code (UBC).

Jerry Reagan presented a list of proposed 1985 Codes and a proposed fee schedule entitled "Building Valuation Data based on the 1984 Modifier for Utah -- .079." Mr. Reagan said the building permit fee schedule he proposed was to include a 15 percent increase for 1985 rather than the 47 percent increase contained in the 1985 UBC.

Mr. Reagan said that the UBC now in effect in Delta was adopted in 1982. He recommended that the Council adopt the proposed 1985 Uniform Building Code and the Building Permit Fee Schedule with an increase of 15 percent. Attorney Peterson said that there is a section in the proposed Zoning Ordinance for the 1985 Uniform Building Code, so when the proposed Zoning Ordinance is adopted, the 1985 Uniform Building Code is also adopted.

Following further discussion, Council Member Ruth Hansen MOVED to instruct Attorney Warren Peterson to draw up an ordinance accepting the 1985 Uniform Building Code and fee schedule as presented. Council Member Don Dafoe SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mr. Reagan also presented a report on Building Permits issued from 1982 to 1985 within Delta City showing a steady increase in building activity in Delta City.

HARVY ROSS: CONSIDERATION FOR CLASS B BEER/TAVERN LICENSE FOR STOCKMANS LOUNGE

Mayor Nielson asked Harvey Ross to address the Council regarding his application for a Class B Beer/Tavern License for Stockmans Lounge.

Attorney Peterson said that he has requested that Mr. Ross's attorney provide documentation of Mr. Ross's status with the owner of the Stockman's Lounge, but no documentation has yet been received.

Mr. Peterson said that the Council may consider two options:

1. To give conditional approval for a license so the license could be issued when the conditions are met rather than waiting for the next City Council meeting.
2. To wait until the necessary documents are provided then place the application back on the City Council agenda.

ATTORNEY WARREN PETERSON: AMENDMENT OF BUSINESS LICENSE ORDINANCE

Mayor Nielson asked Attorney Warren Peterson to present the proposed amendment to the Business License Ordinance.

Attorney Peterson presented a proposed ordinance entitled:

ORDINANCE 85-97

AN ORDINANCE AMENDING SECTION 9-426 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION), AS AMENDED, AND PROVIDING AN EFFECTIVE DATE FOR SAID ORDINANCE.

Mr. Peterson explained that the ordinance was prepared at the request of the Council to allow issuance of a beer license to someone who had a criminal record relating to alcohol offenses, but no offenses within a given time prior to making application.

Following a brief discussion of the ordinance, Council Member Gayle Bunker MOVED to approve Ordinance No. 85-97 as revised with the stipulation of being four years as the time period after which a license could be issued, except that no license could be issued to an applicant with a felony record. Council Member Neil Dutson SECONDED the motion. Mayor Nielson asked if there were any further questions or comments regarding the motion. There being none, he called for a roll call vote on the motion, which was as follows:

Council Member Craig Greathouse	Yes
Council Member Don Dafoe	Yes
Council Member Ruth Hansen	Yes
Council Member Gayle Bunker	Yes
Council Member Neil Dutson	Yes

Mayor Nielson then signed the ordinance and it was attested by Delta City Recorder Dorothy Jeffery.

HARVY ROSS: CONSIDERATION FOR CLASS B BEER/TAVERN LICENSE FOR STOCKMANS LOUNGE - CONTINUED

In further discussion, Council Member Don Dafoe recommended that this item be brought back at the next City Council Meeting, and, if everything is in place, a beer license can be granted. Council Member Don Dafoe SECONDED the motion. Mayor Nielson asked if there were any further questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

REX JOHANSEN: REQUEST FOR STREET VACATION ON THE BOUNDARIES OF BLOCK 25

Mayor Nielson asked Rex Johansen to present his request for street vacation to the Council for discussion.

Jim Edwards, Surveyor, said that Mr. Johansen is requesting that the City vacate a 15 foot strip on the boundary of Block 25 between 300-400 East and from 200-300 South and convey the land to him in exchange for an 8 foot strip of land on each side of 350 East between 200-300 South.

Attorney Peterson reminded the Council of the policy previously set by the Council for this type of situation, i.e., that there would have to be compensation. Mr. Peterson said that a new policy needs to be adopted or the existing policy needs to be enforced for this circumstance.

Council Member Craig Greathouse said that he felt that the street should be vacated because Delta City is trying to decrease the amount of street surface and recommended that past procedures be changed and a new policy be adopted.

Mr. Peterson said his opinion is that where the land is being taken out of public use for private use that the Council should get compensation for it unless the property is to be given away to accomplish legitimate, identifiable and established policies. He said that unless the gift of property is used as an incentive to accomplish a public objective, the Council has the public interest to account for.

Attorney Peterson recommended that a method such as having an escrow set up and have a deed delivered into escrow deeding the property back to the City if the City objections were met.

Following further discussion, Council Member Gayle Bunker MOVED to set a public hearing for February 3, 1986, at 6:30 p.m. to consider vacation of the street. Council Member Craig Greathouse SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

LOUISE ALLEN: RESOLUTION OF WATER DAMAGE

Mayor Nielson said that this issue had been settled prior to City Council Meeting. There was no Council action taken.

ATTORNEY WARREN PETERSON: CONSIDERATION OF PROPOSED ZONING MAP FOR AMENDED ZONING ORDINANCE

Mayor Nielson asked Attorney Warren Peterson to review with the Council the proposed zoning map for the amended zoning ordinance.

Attorney Peterson said that when the new zoning ordinance came before the Council, the zoning map was not prepared. He said that the proposed zoning map was considered and recommended by the Planning and Zoning Commission.

Attorney Peterson reviewed the zoning map in detail with the Council and said that the proposed zoning map is being presented for review only and will be adopted along with the proposed zoning ordinance.

ATTORNEY WARREN PETERSON: CONSIDERATION OF ANNEXATION FOR SUGAR FACTORY ROW ANNEXATION

Mayor Nielson asked Attorney Warren Peterson to review with the Council the proposed ordinance for Sugar Factory Row Annexation.

Attorney Warren Peterson presented a proposed ordinance entitled:

ORDINANCE NO. 85-98

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DELTA, UTAH PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF SAID CITY, ESTABLISHING THE ZONE DISTRICT CLASSIFICATIONS FOR THE ANNEXED TERRITORY AND

GIVING FINAL ACCEPTANCE TO THE ANNEXATION PETITIONS
SUBMITTED BY VARIOUS PROPERTY OWNERS WITH RESPECT TO THE
ANNEXATION IDENTIFIED AS THE "SUGAR FACTORY ROW
ANNEXATION".

The Council corrected some typing errors within the proposed ordinance and there was a general discussion regarding the Zone Classification of Annexed Territory. It was decided that the annexed territory would be classified in the Rural Residential (RR) Zone.

Following further discussion of the proposed ordinance, Council Member Ruth Hansen MOVED to adopt Ordinance No. 85-98 as corrected. Council Member Don Dafoe SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a roll call vote on the motion, which was as follows:

Council Member Craig Greathouse	Yes
Council Member Don Dafoe	Yes
Council Member Neil Dutson	Yes
Council Member Gayle Bunker	Yes
Council Member Ruth Hansen	Yes

Mayor Nielson then signed the resolution and it was attested by Delta City Recorder Dorothy Jeffery.

ATTORNEY WARREN PETERSON: CONSIDERATION OF AIRPORT ANNEXATION.

Mayor Nielson asked Attorney Warren Peterson to address the status of the proposed Airport Annexation.

Attorney Peterson said that he has drafted the ordinance for the Airport Annexation and reviewed it briefly with the Council. Mr. Peterson also said the litigation involving the so-called "Morley Well" was to be settled prior to completion of the annexation. He said a settlement has been proposed as follows:

Attorney Peterson said the original proposal had been to give 25% of the subject water right outright to Delta City, with an additional 25% held for development of the West Millard Golf Course. That agreement was renegotiated. The proposed agreement now provides for 25% to be gifted outright to Delta City and 12½% would be given to the DMAD Boards as trustees to be allocated for public purposes other than the irrigation companies within the area served by the irrigation companies. An additional 12½% would be held for development of an additional nine holes at the golf course. If the additional nine holes at the golf course weren't developed within four years and that water right applied, then that 12½% portion of the water right would also be conveyed to the DAMD Boards to act jointly as trustees for allocation for public uses within the DMAD service area. The remaining 50% would still be held for development of the Christensen's property, if these properties are annexed. Otherwise, the water right could be transferred if annexation does not take place, he said.

In addition, if the owner of the water right sought to drill a well for the 50% portion of the water right, a hydrologic evaluation would have to be conducted prior to drilling a new well in that vicinity. Finally, he said the settlement would not preclude the City or the DMAD companies from protesting any future application, with respect to the subject water rights.

Attorney Peterson said a written stipulation would have to be prepared if all parties agreed to accept the proposed settlement of the lawsuit.

Council Member Craig Greathouse expressed his concern regarding the \$162,000.00 the City would have to spend for the water line installed extending to Delta Valley Farms and the proposed elevated storage reservoir on Derral Christensen's property.

Following further discussion, this item was tabled until the next City Council Meeting.

CITY MANAGER JIM ALLAN: EMPLOYEE EVALUATION - NORMA FARNSWORTH - DELTA CITY LIBRARIAN

Mayor Nielson asked City Manager Jim Allan to review with the Council the employee evaluation on Delta City Librarian Norma Farnsworth.

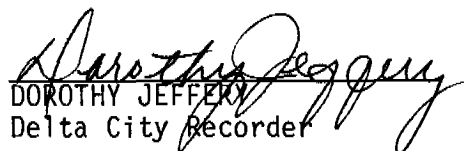
City Manager Jim Allan reviewed the evaluation with the Council and recommended that Mrs. Farnsworth's salary be increased from 5C at \$897.84 per month to 5D at \$977.98 per month.

Council Member Ruth Hansen MOVED that Norma Farnsworth be given an increase in salary from \$897.84 per month to \$977.98 per month. Council Member Neil Dutson SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Nielson asked if there were any further comments or questions or items to be discussed. There being none, Council Member Neil Dutson MOVED to adjourn the meeting. The motion was SECONDED by Council Member Gayle Bunker. The meeting was adjourned at 10:30 p.m.


GRANT S. NIELSON, Mayor

Attest:


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: January 13, 1986